

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

PROCESSING ENGINEER: HUONG K CHAU
TELEPHONE: (202) 418-2733
FACSIMILE: (202) 418-1411
MAIL STOP: 1800B2

MAR 28 2019

Kevin Culhane, President
6300 South Old Village Place
Suite 203
Sioux Falls, South Dakota 57078

Re: Culhane Communications, Inc. ("Culhane")
NEW(AM), Tyndall, South Dakota
Facility Identification Number: 160325
File No. BNP-20051031ABK

Dear Mr. Culhane:

This is in reference to the above-captioned application for a new AM radio station for Tyndall, South Dakota;¹ the September 29, 2009 amendment; and Culhane's letter dated September 22, 2015, to update the Commission on its progress of the analysis of the environmental of the proposed towers.²

A preliminary study of the amended application revealed the proposal failed to comply with the requirements set forth in Section 1.1306 (Environmental Protection Act). Specifically, Culhane stated that the Fish and Wildlife Service have identified several threatened or endangered species for Clay County, South Dakota, where the towers will be built and that these species would not be affected by the proposed construction. However, the names and the qualification of the biologists who did the study were not provided. In addition, Culhane indicated that it used the Commission's Tower Construction Notification System (TCNS) to notify the State Historic Preservation Offices ("SHPO") in the region. However, TCNS is used to notify Indian Tribes, not SHPOs. SHPOs are notified by the filling of FCC Form 620.

As of today, over four (4) years have passed since Culhane's last amendment. Culhane has not filed any amendment, or any update. Furthermore, the staff has spoken to the contact representative and the consulting engineer and they could not contact with the applicant. Thus, there is no tangible evidence before us to indicate the application can or will demonstrate compliance with the requirements of Environmental Protection Act.

¹ BNP-20040127AHJ is the file number of the Culhane AM Auction No.84 short-form application.

² The staff requested for amendments on March 9, 2009, September 29, 2009 and September 15, 2014.

In light of the above, Culhane Communications, Inc. application, BNP-20051031ABK is hereby DISMISSED for failure to prosecute pursuant to 47 CFR §73.2568(a)(1).³ The action is taken pursuant to 47 CFR § 0.283.

Sincerely,



Son Nguyen,
Supervisory Engineer
Audio Division
Media Bureau

cc: David Oxenford, Esq. (via email)
Jeremy D. Ruck, PE (via email)

³ The corresponding AM Auction No. 84 tech box submission of the application, File No. BNP-20040130ADS, IS ALSO DISMISSED.